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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,554	05/04/2001	Bruno Johannes Ehmsperger	8391	1139

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EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

12

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,554

Applicant(s)

Ehrnsperger et al.

Examiner

Ivars Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 6, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-51 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8,104/1 6) ☐ Other:

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The term "fabric in need of treatment" (claim 31, line 1) is vague, and indefinite as to the limitation intended. Claims 32-46 depend from claim 31, and are therefore also indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31, 32, 34-38, 40-43, 46-48, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase (U.S. Patent No. 3,733,267) in view of French Patent No. 2,268,898, further in view of Freeman et al. (U.S. Patent No. 4,747,960). Haase discloses contacting a "dry cleaning" fluid with a fabric, and thereafter purifying this fluid for reuse. Accordingly, this

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primary reference discloses the claimed invention with the exception of the specific type of "dry cleaning" fluid employed, and the particular water absorbent material employed. The French patent teaches using a combination of lipophilic fluid, water and surfactant as a dry cleaning fluid for textile articles made of synthetic fibers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the dry cleaning fluid disclosed in the French patent as the dry cleaning fluid of Haase, in order to obtain the advantages disclosed by this secondary reference (i.e. the ability to clean textiles made from synthetic fibers) for the process of the primary reference. Furthermore, Freeman et al. teaches a water absorbent material comprising a porous woven sheet (col. 3, line 4) impregnated with a cross-linked polyacrylate (col. 2, line 18); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the water absorbent material of Freeman et al. for the water absorbent material of Haase, since this secondary reference water absorbent material is capable of removing water from a fluid in substantially the same manner as the water absorbent material of the primary reference, to produce substantially the same results. The exact amount of adsorbent present in the matrix, the exact temperature of the fluid undergoing treatment, and the exact

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amount of emulsifier present in the dry cleaning fluid are not seen to materially affect the overall results of the reference process, or to produce any new and unexpected results; and are therefore deemed to be obvious matters of choice, which are insufficient to patentably distinguish claims 34, 40 and 43.

Claims 33 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase, French Patent No. 2,268,898 and Freeman et al. as applied above, and further in view of Hou et al. (U.S. Patent No. 4,309,247). The modified primary reference discloses the claimed invention with the exception of the recited spacer material. Hou et al. discloses a filter sheet comprising clay, activated carbon, polystyrene and/or polyethylene (see col. 5, lines 15, 16 and 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ polystyrene and/or polyethylene in combination with the clay and activated carbon of the modified primary reference filter, as suggested by Hou et al., in order to provide additional filtration capability for the filter of this modified primary reference.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haase, French Patent No. 2,268,898 and Freeman et al. as applied above, and further in view of Segall et al. (U.S. Patent No. 3,441,501). The modified primary reference

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discloses the claimed invention with the exception of the recited regeneration (i.e. triggering water release) step. Segall et al. discloses regenerating a water absorbent material in the recited manner (see col. 2, last line through col. 3, line 2); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to regenerate the water absorbent material of the modified primary reference in the manner suggested by Segall et al., in order to enable reuse of this modified primary reference water absorbent material.

Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haase, French Patent No. 2,268,898 and Freeman et al. as applied above, and further in view of Kasprzak (U.S. Patent No. 4,685,930). The modified primary reference discloses the claimed invention with the exception of the recited lipophilic fluid. Kasprzak discloses that decamethylcyclopentasiloxane is a well known dry cleaning fluid (see line 4 of the abstract; and col. 2, last line through col. 3, line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the dry cleaning fluid of Kasprzak in the dry cleaning fluid composition of the modified primary reference, since this secondary reference dry cleaning fluid is capable of cleaning textiles in substantially the same manner as the dry cleaning fluid of the

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modified primary reference, to produce substantially the same results.

Applicant's arguments filed January 6, 2003 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant apparently concedes the propriety of combining Haase with the teachings of Freeman et al., Hou et al., Segall et al., and Kasprzak, as applied in the previous Office action, since the only argument advanced against all of these combinations is that the references fail "to teach the steps of exposing fabric to a lipophilic fluid **and** water and then recovering said lipophilic fluid and said water in the form of a lipophilic fluid and water emulsion from said fabric." See page 6, 3rd paragraph; page 7, 1st and 3rd paragraphs; the paragraph bridging pages 7 and 8; and page 8, 2nd full paragraph of the response filed January 6, 2003. However, this argument is no longer deemed to be relevant in view of the new grounds of rejection, since the newly applied reference (i.e. French Patent No. 2,268,898) teaches using a combination of a lipophilic fluid and water as a dry cleaning composition, and further teaches the presence of a detergent in emulsified form in the composition.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR

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1.17(p) on December 9, 2002 prompted the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(a)(ii). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for


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all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
April 6, 2003